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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,973	06/24/2005	Siegfried Geldenhuys	U 015638-0	2945

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LADAS & PARRY
26 WEST 61ST STREET
NEW YORK, NY 10023

EXAMINER

WHITE, DWAYNE J

ART UNIT	PAPER NUMBER
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3745

DATE MAILED: 12/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/524,973

Applicant(s)

GELDENHUYS ET AL.

Examiner

Dwayne J. White

Art Unit

3745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 12-15 and 17-19 is/are rejected.
- 7) ☒ Claim(s) 10, 11 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>2/18/05; 7/5/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claims 1 is objected to because of the following informalities:

In claim 1, line 5, "fast" should be --fasten--.

In claim 1, line 7, "dialing" should be --dilating--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4 and 17-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 4, line 3, Applicant recites the limitation "beading inwardly proud of the peripheral rim." It is unclear what Applicant is intending to claim as the invention. Revision of the claim language and clarification is required.

Claims 17-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 (as far as 4 is definite) are rejected under 35 U.S.C. 102(b) as being anticipated by Matsumoto et al. (JP 7,332,377 A). Matsumoto et al. discloses a method of shielding a bearing, which is mounted in a bearing casing 1 and which supports a shaft for rotation, against undesirable matter, the method including: laterally covering a side of the bearing and the bearing casing 1 means of a circumferential shield 2 rotatably fast with the shaft 10 and having a peripheral rim 6 at least partially overlapping the bearing casing; when the shaft is rotating, dilating said peripheral rim to provide running clearance, shielding the bearing casing from stray undesirable matter and flinging any such stray undesirable matter touching the shield centrifugally away from the bearing casing; when the shaft is stationary, contracting said peripheral rim to touch the bearing casing to provide a seal. The peripheral rim is shielded by a cowl 4 overlapping the peripheral rim with an annular clearance. In regards to claim 4, while the language is not exactly clear on what is being claimed, the Examiner believes Applicant is referring to the lip of the peripheral rim extending to touch the bearing casing when the shaft is not rotating, which is disclosed by Matsumoto et al.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-9 and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto et al. Matsumoto discloses all of the claimed subject matter as disclosed above including the disc and the rim being integral. In regards to Applicant's claim of the rim being made of a resilient material, since the dilating portion of the rim and disc are disclosed to return to their original position when the shaft is not in motion, it is obvious that the material used to form the rim and disc is resilient. Further, since Applicant does not disclose that the disc and rim being molded is for any particular purpose or solves any stated problem above the fact that molding is a method to manufacture the rim and disc integrally, it would have been obvious matter of design choice to manufacture the rim and disc of Matsumoto et al. by molding for the purpose of manufacturing the rim and disc.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto et al. in view of Iketani (6,485,256). Matsumoto et al. discloses all of the claimed subject matter except for the particular device the bearing shield assembly is used in.

Iketani teaches a pump having a shield mounted between the impeller of the pump and the bearing housing. Since Matsumoto et al. already discloses that the bearing shield can be used on any rotary shaft having a bearing supporting it, it would have been obvious at the time the invention was made to one of ordinary skill in the art to use the shielding of Matsumoto et al. to

Art Unit: 3745

seal the bearing casing of a pump as taught by Iketani for the purpose of shield a bearing from undesired materials.

CONCLUSION

Allowable Subject Matter

Claims 10, 11 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

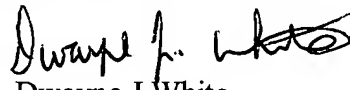
Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dwayne J. White whose telephone number is (571) 272-4825. The examiner can normally be reached on 7:00 am to 4 pm T-F and alternate Mondays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look can be reached on (571) 272-4820. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3745

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Dwayne J. White
Patent Examiner
Art Unit 3745

DJW



EDWARD K. LOOK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

11/20/06